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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**ANGEL JESUS ALVAREZ,**

Petitioner,

**v.**

**ROBERT AYERS, JR., Warden,**

Respondent.

C 06-05027 MJJ

**MOTION FOR EXTENSION  
OF TIME TO FILE REPLY**

Petitioner filed a petition for writ of habeas corpus on August 21, 2006. On September 5, 2007, respondent filed a motion to dismiss the petition as untimely. On October 11, 2007, the Court granted petitioner's request for a 60-day extension to file his response. The Court ordered respondent to file a reply within 15 days of the date any response is filed.

Petitioner filed his response on December 5, 2007. Accordingly, respondent's reply is due December 20, 2007.

Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent respectfully requests an extension of 30 days to January 19, 2008, to file the reply. Good cause for this request is set

Mot. For EOT to File Reply

Alvarez v. Ayers, Jr.  
C 06-05027 MJJ

1 forth in the attached declaration.

2           Petitioner's counsel, Scott L. Tedmon, has no objection to respondent's request for a  
3 30-day extension of time.

4           Dated: December 12, 2007

5                               Respectfully submitted,

6                               EDMUND G. BROWN JR.  
7                               Attorney General of the State of California

8                               DANE R. GILLETTE  
9                               Chief Assistant Attorney General

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13                              Supervising Deputy Attorney General

14                              /s/ Violet M. Lee

15                              VIOLET M. LEE  
16                              Deputy Attorney General  
17                              Attorneys for Respondent

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Respondent.

C 06-05027 MJJ

**DECLARATION OF VIOLET  
M. LEE IN SUPPORT OF  
MOTION FOR EXTENSION  
OF TIME**

VIOLET M. LEE states under penalty of perjury:

I am a Deputy Attorney General for the State of California assigned to prepare and file a reply to petitioner's response to our motion to dismiss.

The Court's order of October 11, 2007, requires respondent to file a reply within 15 days of the date any response is filed. Our reply is currently due December 20, 2007. We have made no prior request for extension of time.

Petitioner's 10-page response is accompanied by over 160 pages of exhibits. Additional time is necessary to carefully consider the numerous exhibits submitted by petitioner.

1 Moreover, in the coming month, in addition to working on this case, I must file a supplemental  
2 answer in *Cavaness v. Hamlet*, C 00-20351 RMW in federal district court, and respondent's  
3 briefs in *People v. Reynard*, H030576, and *People v. Wright*, A116536, in the state Court of  
4 Appeal. Finally, I will be out of the office on vacation for two weeks in the coming month.

5 For the reasons stated, we respectfully request that the Court grant an extension to  
6 January 20, 2008, to file a reply to petitioner's opposition.

7 Executed this 12th day of December 2007, at San Francisco, California.

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10 /s/ Violet M. Lee

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VIOLET M. LEE  
12 Deputy Attorney General

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 **ANGEL JESUS ALVAREZ,**

Petitioner,

C 06-05027 MJJ

**[PROPOSED] ORDER**

12  
13 **v.**

14 **ROBERT AYERS, JR., Warden,**

15 Respondent.  
16

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18 GOOD CAUSE appearing, it is hereby ordered that the time within which to file  
19 respondent's reply be extended thirty (30) days to and including January 20, 2008.  
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23 Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Martin Jenkins  
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